

REMARKS

Foreign Priority:

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received at the Patent Office.

Information Disclosure Statement:

Applicant thanks the Examiner for initialing and returning Form PTO-1449 filed on March 7, 2002, thus indicating that all of the references listed thereon have been considered.

Specification:

The Examiner has objected to the Specification, because the Examiner asserts that the Title is not descriptive of the present invention. Applicant respectfully disagrees.

Applicant submits that the Title is adequately descriptive of the claimed invention. Specifically, the claims of the present application are directed to both a "ceramic dynamic pressure bearing" (claims 1-14 and new claims 29-34) and a "hard disk" comprising a ceramic dynamic pressure bearing (claims 15-28 and new claims 35-40).

Therefore, the Title (i.e. "CERAMIC DYNAMIC-PRESSURE BEARING AND HARD DISK DRIVE USING THE SAME") is adequately descriptive of the present application. Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above objection to the Title.

Claim Rejections:

Claims 1-28 are all of the claims that have been examined in the present application, and currently each of these claims stand rejected.

35 U.S.C. § 102(b) Rejection - Claims 1-2, 14-16 and 28:

Claims 1-2, 14-16 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,283,491 to Jabbar et al. In view of the following discussion, Applicant respectfully traverses the above rejection.

As an initial matter, the Examiner appears to only indicate that claims 1 and 2 are rejected in view of the Jabbar reference. *See* Office Action, page 2, para. 5. However, in reviewing the Examiner's comments Applicant believes that the Examiner intended to also identify claims 14-16 and claim 28 as being rejected in view of the Jabbar reference. Therefore, Applicant will include, at least, independent claim 15 in the following analysis.

Turning now to the merits of the rejection, Jabbar discloses an air-bearing motor assembly for magnetic recording systems. Specifically, Jabbar discloses a cylindrical motor shaft **25** which is inserted into a through hole in a rotating sleeve member **42**, where the rotating sleeve **42** is positioned between lower and upper bases **43** and **44**. *See* Jabbar, Figure 2, col. 6, lines 3-62 and col. 7, lines 11-22.

However, none of the above components, in Jabbar, are disclosed as being made of a ceramic material. Namely, Jabbar discloses that the motor shaft **25** is made of steel,¹ the sleeve

¹ Col. 4, line 9.

member 42 is made from aluminum or plastic,² and the non-rotating lower and upper bases 43 and 44 are preferably made from aluminum or plastic.³ In fact, in Jabbar only the thrust bearings 11 and 14 are “essentially covered with dry lubricated plastic or ceramic.”⁴

At least because there is no disclosure of using a ceramic material for the forming of any of the above three structural portions, Jabbar fails to disclose each and every feature of the present invention, as required by 35 U.S.C. § 102. Stated differently, the claims of the present application include, *inter alia*, “a first member formed of ceramic and having a cylindrical outer surface, a second member formed of ceramic and having a cylindrical reception hole formed therein, [and] ... a thrust plate formed of ceramic facing at least one end face of the second member as viewed along the axis of rotation,” (*see* Claims 1 and 15 (and new claims 29-40)), and Jabbar fails to disclose any of the first member, second member and/or thrust plate being formed of a ceramic material.

In view of the foregoing discussion, Jabbar fails to disclose, teach or suggest each and every feature of the claimed invention. Therefore, Jabbar fails to anticipate the claimed invention as required under the provisions of 35 U.S.C. § 102(b). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above rejection of claims 1 and 15. Further, as claims 2, 14, 16 and 28 depend on these claims, respectively, Applicant submits that these claims are also allowable, at least by reason of their dependence.

² Col. 7, line 18-19.

³ Col. 6, lines 60-62.

⁴ Col. 7, lines 31-32.

35 U.S.C. § 103(a) Rejection - Claims 3-13 and 17-28:

Claims 3-13 and 17-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jabbar in view of NIST Property Data Summaries. However, because claims 3-13 and 17-27 depend on claims 1 and 15, respectively, and since the NIST Property Data Summaries fail to cure the deficient teachings of Jabbar with respect claims 1 and 15, Applicant submits that these claims are also allowable, at least by reason of their dependence.

New Claims:

Applicant also notes that claims 29-40 have been added. Claims 29-34 and 35-40, respectively, are similar to claims 1 and 15. However, each of the claims 29-40 recite one of the alternative limitations listed in each of the claims 1 and 15.

Further, each of claims 29-40 are allowable for at least the same reasons as set forth above with regard to claims 1 and 15.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

JAN 05 2004

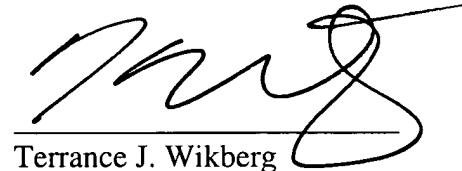
U.S. PATENT & TRADEMARK OFFICE
U.S. DEPARTMENT OF COMMERCE

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/090,267

Our Ref.: Q68736
Art Unit: 2652

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Terrance J. Wikberg
Registration No. 47,177

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: January 5, 2004

RECEIVED
JAN 09 2004
Technology Center 2600